

Appln. No. 09/956,888
Reply to the Office Action of June 18, 2003

REMARKS

Claims 1-3 and 5, 6 and 13-19 and new Claim 20 are active in the case.

Reconsideration is respectfully requested.

The present invention relates to a hair cosmetic composition containing monoethanolamine which not only does not give-off an odor of monoethanolamine, but, in fact, has a different odor unique to itself in which the odor of monoethanolamine is not detectable.

Specification Amendments

The list of fragrances on page 3 of the specification has been amended to provide the chemical name of the tradenamed fragrance "Anethole" which is p-propenylanisole or p-methoxypropenylbenzene. (Refer to the attached copy of pages from S. Arctander "Perfume and Flavor Chemicals, (1969).) As to the fragrance identified as "MagnolTM", the same is technically identified as ethylnorbornylcyclohexanol. (Refer to the attached copy of pages from Allured's Flavor and Fragrance Materials (2000).) The spelling of "tricyclo" in line 17 is also corrected. Entry of the amendments into the text is respectfully requested.

Claim Amendments

Claim 14 has been amended in order to correct language agreement in the claim. Support for new Claim 20 can be found on page 6, lines 11-12 of the specification. Entry of the amendments is respectfully requested.

Claim Rejection, 35 USC 112

Claim 3 has been amended to recite the chemical name for the tradenamed fragrance "Anethole" to p-propenylanisole or p-methoxypropenylbenzene, thereby eliminating the objection to this material. Further, the claim has also been amended in order to provide the technical name for the fragrance "Magnol" which is ethylnorbornylcyclohexanol. The issues raised are believed overcome and withdrawal of the rejection is respectfully requested.

Invention

The present invention is directed to a hair cosmetic composition which contains the specific combination of monoethanolamine (a base constituent of the hair cosmetic formulation) and cis-3-hexenol (a fragrance component). It is the discovery of the present invention that when monoethanolamine is present in a hair cosmetic formulation that includes oxidation dye compositions, the distinctive objectionable odor of monoethanolamine is eliminated by the inclusion of not just any fragrance compound, but cis-3-hexenol specifically. In fact, the odor of the composition that results is distinctive and is such that the odor of monomethanolamine is not detectable. Accordingly, the composition is directed to an oxidation hair coloring or hair bleaching formulation that comprises (A) a fragrance ingredient comprising cis-3-hexenol and (B) monoethanolamine. Another embodiment of the invention is an oxidation hair coloring or hair bleaching formulation, comprising (A) a fragrance ingredient comprising cis-3-hexenol and (B) monoethanolamine, in which the amount of cis-3-hexenol in the composition is such that it masks the odor of the monoethanolamine. Still another embodiment of the invention comprises (A) a fragrance

ingredient comprising cis-3-hexenol and (B) monoethanolamine, in which the amount of cis-3-hexenol in the composition is such as to provide the composition with a desirable fragrance. Finally, in still another embodiment of invention, the oxidation hair coloring or hair bleaching formulation comprises (A) a fragrance ingredient comprising cis-3-hexenol in an amount ranging from 0.1 to 50 wt % and (B) monoethanolamine.

Prior Art Rejection

Claims 1-3, 5, 6 and 16-19 stand rejected based on 35 USC 103(a) as obvious over GB 2033939 in view of XP-002226338. This ground of rejection is respectfully traversed.

Although it is clear that the '939 patent discloses a hair bleaching composition which in some embodiments of Examples 1-3 contains monoethanolamine, which is a common ingredient in hair cosmetic formulations, none of the examples show the presence of a fragrance, and certainly not cis-3-hexenol. Although the patent at page 3 lines 114-118 teaches that among excipients that can be added to the disclosed hair treatment formulations, perfumes are suitable such excipients. However, there is no mention of cis-3-hexenol as a perfume or fragrance. This deficiency is critical because the effect of the present invention is specific in that cis-3-hexenol has a specific ability to mask the odor of monoethanolamine to not only eliminate any detectable scent of the monoethanolamine, but to actually give rise to a specifically different, but pleasant, odor. Thus, there is nothing in the patent that would lead one of skill in the art to specifically add cis-3-hexenol to the monoethanolamine containing compositions exemplified in the patent.

The deficiencies of the '939 patent are neither overcome nor improved by the '338

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reference. The '338 document only teaches what is well known and that is a variety of fragrances have been incorporated in cosmetic compositions to mask or deodorize the smell of **ammonia** that is emitted from various cosmetic compositions that contain **ammonia**. Suitable deodorants include cis-3-hexenol. However, there is no teaching or suggestion in the reference that cis-3-hexenol, specifically, has the ability to completely mask the odor of monoethanolamine from a cosmetic composition, and, in fact, so modify the odor characteristics of a monoethanolamine containing composition that a completely different odor uncharacteristic of either monoethanolamine or cis-3-hexenol results. Accordingly, the combination of the references does not suggest the invention as claimed in any of its embodiments and withdrawal of the rejection is respectfully requested.

Claims 1-3, 5, 6 and 13-19 stand rejected based on 35 USC 103(a) as obvious over Yoshida et al in view of Fragrance Journal. This ground of rejection is respectfully traversed.

The Yoshida et al patent is believed of limited relevance to the present invention because the essence of the disclosure is the use of succinoglycan, as a water soluble polymer, in hair dye compositions of two basic types, one of which is an acidic hair composition and the other is an oxidation hair dye composition. Of the two types of compositions, the acidic type is irrelevant to the present invention, as such is acidic in which environment the base ingredients of ammonia or monoethanolamine would not be incorporated. The second type, or oxidation hair dye composition, is of the type of the present invention and as such various bases including ammonia and monoethanolamine (col 8, lines 35-43) are incorporated in such oxidation hair treatment compositions as a base. Of the examples in the patent, only those of columns 21-25 are of the oxidation type and only one of which, Example B4, contains

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monoethanolamine. While this example is said to contain a perfume, there is no teaching of any specific fragrance, and certainly not cis-3-hexenol. This can be said about the patent in its entirety. One of skill in the art would in no way be led to specifically incorporate cis-3-hexenol as a fragrance in an oxidation dye composition of the patent that contains monoethanolamine as an alkali ingredient.

The deficiencies of Yoshida et al are neither overcome nor improved upon by Fragrance Journal. The indicated portion of the disclosure only shows that the addition of a fragrance such as cis-3-hexenol is useful as an odor masking agent in a hair treatment formulation that contains ammonia and ammonium thioglycolate. There is no teaching or suggestion of an oxidation-type of hair treatment formulation that contains specifically only cis-3-hexenol as a fragrance which masks the odor of monoethanolamine as an alkali agent in the composition. In fact, it is clear that in the masking of the ammonia odor of the composition embodiments of the reference, cis-3-hexenol is completely equivalent to a number of other fragrances which include citronellol, geraniol, linalool and the like. On the other hand, there is no such equivalency in the present invention where cis-3-hexenol stands alone in its ability to mask the odor of monoethanolamine, as opposed to other fragrances, to the extent of providing a product composition that has a distinctly different and unique odor. Clearly, the combination of the two references does not lead the skilled artisan to the present invention and withdrawal of the rejection is respectfully requested.

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It is now believed that the application is in proper condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "FO Oblon", written over a horizontal line.

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